

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 414

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

AN ACT

RELATING TO DOMESTIC VIOLENCE; IMPOSING A FEE UPON OFFENDERS;
CREATING A FUND; MAKING AN APPROPRIATION TO DEFRAY THE COST OF
PROVIDING TREATMENT TO DOMESTIC VIOLENCE OFFENDERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 34, Article 6 NMSA
1978 is enacted to read:

"NEW MATERIAL COURT FEES--DEPOSIT IN THE DOMESTIC
VIOLENCE OFFENDER TREATMENT FUND.--

A. In addition to any other fees collected in the
district court, metropolitan court and magistrate court, those
courts shall assess and collect from a person convicted of a
penalty assessment misdemeanor, traffic violation, petty
misdemeanor, misdemeanor or felony offense a "domestic violence
offender treatment fee" of five dollars (\$5.00).

1 B. Domestic violence offender treatment fees shall
2 be deposited in the domestic violence offender treatment fund."

3 Section 2. [NEW MATERIAL] DOMESTIC VIOLENCE OFFENDER
4 TREATMENT FUND CREATED-- APPROPRIATION-- PROGRAM REQUIREMENTS. --

5 A. The "domestic violence offender treatment fund"
6 is created in the state treasury. All fees collected pursuant
7 to the provisions of Section 1 of this act shall be transmitted
8 monthly to the department of finance and administration for
9 credit to the domestic violence offender treatment fund.

10 B. Balances in the domestic violence offender
11 treatment fund are appropriated to the children, youth and
12 families department to provide funds to domestic violence
13 offender treatment programs to defray the cost of providing
14 treatment to domestic violence offenders. Unexpended or
15 unencumbered balances remaining in the fund at the end of any
16 fiscal year shall not revert to the general fund.

17 C. Payment out of the domestic violence offender
18 treatment fund shall be made on vouchers issued and signed by
19 the secretary of children, youth and families upon warrants
20 drawn by the department of finance and administration.

21 D. In order to be eligible for money from the
22 domestic violence offender treatment fund, a domestic violence
23 offender treatment program shall include the following
24 components in its program:

- 25 (1) an initial assessment to determine if a

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1 domestic violence offender will benefit from participation in
2 the program;

3 (2) a written contract, which must be signed
4 by the domestic violence offender, that sets forth:

5 (a) attendance and participation
6 requirements;

7 (b) consequences for failure to attend
8 or participate in the program; and

9 (c) a confidentiality clause that
10 prohibits disclosure of information revealed during treatment
11 sessions;

12 (3) strategies to hold domestic violence
13 offenders accountable for their violent behavior;

14 (4) a requirement that group discussions are
15 limited to members of the same gender;

16 (5) an education component that:

17 (a) defines physical, emotional, sexual,
18 economic and verbal abuse and techniques for stopping those
19 forms of abuse; and

20 (b) examines gender roles,
21 socialization, the nature of violence, the dynamics of power
22 and control and the effects of domestic violence on children;

23 (6) a requirement that a domestic violence
24 offender not be under the influence of alcohol or drugs during
25 a treatment session;

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1 (7) a requirement that the program provide
2 monthly written reports to the presiding judge or the domestic
3 violence offender's probation or parole officer regarding:

4 (a) proof of the domestic violence
5 offender's enrollment in the program;

6 (b) progress reports that address the
7 domestic violence offender's attendance, fee payments and
8 compliance with other program requirements; and

9 (c) evaluations of progress made by the
10 domestic violence offender and recommendations as to whether or
11 not to require the offender's further participation in the
12 program; and

13 (8) a requirement that the term of the program
14 be at least fifty-two weeks.

15 E. Counseling for couples shall not be a component
16 of a domestic violence offender treatment program

17 F. As used in this section, "domestic violence
18 offender" means:

19 (1) a person convicted for an offense pursuant
20 to the provisions of the Crimes Against Household Members Act;
21 or

22 (2) a person convicted for violating an order
23 of protection granted by a court pursuant to the provisions of
24 the Family Violence Protection Act.

25 Section 3. EFFECTIVE DATE. --The effective date of the

1 provisions of this act is July 1, 2003.

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